Supreme Court, U.S.
FILED
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IN THE
SUPREME COURT OF THE UNITED STATES

ALAN B. VAN SICKLE,

Petitioner,

v.

FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; and JOHN and/or JANE DOES 1 through 10,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

---

PETITION FOR A WRIT OF CERTIORARI

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87pp

QUESTIONS PRESENTED

1. In regard to the Ninth Circuit's Decision to affirm the U.S. District Court's Decision to dismiss (Counts I and IV) for failing to state a "RICO" claim in (Count I) and a claim for "intentional infliction of emotional distress" in (Count IV), when the allegations of (Count I) were incorporated in (Count IV), did the Court thwart justice, deprive due process to the Plaintiff, fail to observe and follow the law, and not perform a duty they owed to Plaintiff by not executing the law: that a count need not specify a correct, legal theory or point to the correct statute to survive a motion to dismiss, as long as it contains a set of facts for which relief could be granted under an actionable theory or tort?

2. Whether there can be an independent or new, civil lawsuit with merit against Defendants, co-conspirators and opposing counsel for knowingly falsifying evidence and suborning perjury as part of the carrying out of a scheme to defraud and injure the Plaintiff by means of the combination, fraud and deceit in a lawsuit, and under conditions when the judge will not allow the aggrieved party in a lawsuit to file pleadings or verbally attack (argue) against that matter, or when that aggrieved party loses the lawsuit due to sanctions being imposed against him for complaining about that egregious conduct?

3. Whether the Ninth Circuit and U.S. District Court thwarted justice, deprived the Plaintiff of due process and equal protection of the law, and abused discretion by not observing and following the laws and standards for dismissal of (Counts I and IV) of the Plaintiff's complaint, when it states a set of facts (Re: Paragraphs 1, 4 and 10) for the alleged step of the larger conspiracy, including the Defendants and opposing counsel, which made use of the proceedings to carry out a scheme to defraud the Plaintiff by means of the combination of fraud, falsified evidence and suborned perjury that damaged the Plaintiff and caused his demise?

4. Whether the Ninth Circuit and U.S. District Court thwarted justice, deprived the Plaintiff of due process and equal protection of the law, and abused discretion by failing to use the standard of allowing amendment of (Count I) without a request to amend, when it is clear that it could have been amended with additional facts for a fraud claim for which relief could be granted, in regard to the alleged, larger conspiracy that made use of the proceedings to injure the Plaintiff, provoke his indignation and cause his demise with a combination of falsified evidence and suborned perjury, pursuant the fraud theory in *(Frist v. Gallant, 240 F.Supp. at 830) or according to (42 U.S.C.A., Section 1985 (2) - Conspiracy to obstruct justice with fraud)*?

5. Whether the Ninth Circuit and U.S. District Court thwarted justice and deprived the Plaintiff of due process and equal protection of the law by failing to observe and follow the standard owed to the plaintiff to entertain and have a ruling made on his pending motion to join and consolidate his related pending Federal cases, *(Alan B. Van Sickle v. Ford Motor Company, et al, CV-94-0566, Part II; Alan B. Van Sickle v. Ned Kerr, Judge Dennis Goff, et al, CV-94-0546, Part I)*, based on fraud?

PARTIES TO THE PROCEEDING

The parties whose judgment is sought to be reviewed are: the Petitioner, Alan B. Van Sickle, and the Respondents, Ford Motor Company, Ford Motor Representative John J. Roy, Ford Company's Counsel, Bruce C. Jones, and Co-Conspirators John and/or Jane Does 1 through 10 whose real names were not known at the time the complaint was filed.

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Final Judgment, *(Appendix A),* was entered by Judge B. Lynn Winmill of the U. S. District Court of Idaho on February 10, 1998, whereby he adopted the Report, *(Appendix B),* of U. S. Magistrate Larry M. Boyle and granted the Ford Defendants' [Motion To Dismiss] Counts I and IV, *(Appendix C),* of the Petitioner's complaint against the Ford Defendants.

JURISDICTION

The Memorandum Decision, *(Appendix D),* of the U. S. Court of Appeals for the Ninth Circuit was entered on August 19, 1999. The Order, *(Appendix E),* denying the Petitioner's timely Motion, *(Appendix F),* for Rehearing was entered on October 21, 1999, by the U. S. Court of Appeals for the Ninth Circuit.

Therefore, having exhausted appeals, this Court now has jurisdiction to review on writ of certiorari the opinion by the U. S. Court of Appeals for the Ninth Circuit in question pursuant to *Title 28, United States Code, Section 1254(1).*

STANDARDS, CASE LAWS, STATUTES, AND CONSTITUTIONAL PROVISIONS INVOLVED IN THIS CASE

Standards For Reviewing, De Novo, A District Court's Decision To Dismiss A Complaint For Failure To State A Claim

"We must accept material allegations in complaint as true and construe them in light most favorable to the appellant." *Quoting Cook, Perkiss & Liehe v. N. Cal. Collection Serv., 911 F.2d 242 at 244 (9th Cir. 1990), citing Ascon Properties, Inc. v. Mobil Oil Co., 866 F.2d 1149, 1152 (9th Cir. 1989).*

"We may affirm the district court's dismissal only if it is clear that no relief could be granted under any set of facts that could be proved consistent with allegations." *Quoting Cook, Perkiss & Liehe v. N. Cal. Collection Serv., 911 F.2d 242 at 244 (9th Cir. 1990), citing and quoting Hishon v. King & Spalding, 467 U. S. 69, 73 (1984).*

"Complaint need not specify correct, legal theory or point to right statute to survive motion to dismiss for failure to state a claim." *Quoting Pope v. Inland Property Management Inc., 878 F.Supp. 1114.*

"Generally, fact that complaint does not cite relevant statutory provision does not require

dismissal; as long as complaint contains set of facts for which relief can be granted, it survives motion to dismiss for failure to state a claim." *Quoting Thomas v. New York City, 814 F.Supp. 1139.*

"We have held in dismissals for failure to state a claim, a district court should grant leave to amend even if no request to amend the pleading was made, unless it determines that the pleadings could not be cured by the allegation of other facts." *Quoting Bonnano v. Thomas, 309 F.2d 320, 322 (9th Cir. 1962).*

Case Law Applicable To The Set Of Facts In Paragraphs 4 And 10 Of (Count I) Of The Complaint For Fraud That Obstructed Justice

"Where the giving of false testimony is only a part of the carrying out of a scheme to defraud the plaintiff by means of the combination, fraud, and deceit of the defendants, an action will lie for damages." "Where parties, in pursuance of a conspiracy or combination for that purpose, fraudulently make use of legal proceedings to injure another, an action lies against them, at the suit of the person injured, to recover damages sustained, and fact that a combination for fraud has been brought to a successful end by false testimony produced on the trial does not make an action for conspiracy obnoxious to the rule that there can be no civil action for perjury or subornation of perjury."

Quoting Frist v. Gallant, 240 F.Supp. 827 at 830 (U.S. District Court W.D. South Carolina, 1965); and also cited in Anderton v. Herrington, 741 P.2d 360 at 363 (Idaho App. 1987).

Statute Concerning Conspiracy To Interfere With Civil Rights; Obstructing Justice With Fraud; Intimidating Party

Title 42, United States Code Annotated, Section 1985 (2) "If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified"; "or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws."

Constitutional Provisions

Due Process And Equal Protection Of Law And Right To Jury Trial In United States Constitution.

STATEMENT OF THE CASE

(Counts I And IV) Of Complaint Both Alleging "Racketeering" With A Set Of Facts Also Giving Rise Respectively To Claims For Common Law "Fraud" That Obstructed Justice, And "Intentional Infliction Of Emotion Distress"; And Disposition By Granting The Ford Defendants Motion To Dismiss (Counts I And IV) Only For Failure To State A Racketeering Claim

I commenced civil action by filing my complaint in my case *(Alan B. Van Sickle v. Ford Motor Company, John, J. Roy, Bruce C. Jones, Key Bank of Idaho, and John and/or Jane Does 1 through 10 / CV-94-0566, Part II; originally given Case No. CV-94-0546)* in United States District Court of Idaho. In regard to the subject-matter in question before this court, U. S. Magistrate Larry M. Boyle made his Report with findings and a recommendation, *(Appendix B)*, for granting the Ford Defendants' Motion to Dismiss (Counts I and IV) of the complaint, *(Appendix C)*, against the Ford Defendants, after which I filed my Objections to that Report. Then U.S. District Judge B. Lynn Winmill made a Final Decision, *(Appendix A)*, to adopt that Report and to grant the Ford Defendants' Motion to Dismiss (Counts I and IV) of my complaint, which decision was based only on Racketeering allegations. The complaint against the Ford

Defendants, *even though it specified in (Count I) racketeering under (Title 18, United States Code, Sections 1961-1968) and the tort of intentional infliction of severe emotional distress in (Count IV)*, stated a set of facts in paragraphs 4 and 10, which were incorporated into both those counts, giving rise to *fraud...an alleged step of a larger, expanding conspiracy that used a combination of false evidence, deceit and suborned perjury to obstruct justice to my demise, indignation and injury in a prior State Court proceeding against Ford Motor Company.* Paragraphs 4 and 10 of (Count I) of the complaint, *(Appendix C)*, alleged that the Ford Defendants: *(1)* made use of the legal proceedings to obstruct justice by conspiring with the presiding State Court judge to use and be supportive of his bogus trial judge assigning procedure that misled me about when a permanent trial judge would be assigned in my State Court case, so that the presiding state judge, who was initially assigned to my case, could proceed to abuse power and discretion throughout litigation, thus precipitating and causing my indignation, detriment, demise and injury in state court, and that I discovered that fraud too late to timely execute a motion to automatically disqualify that judge without cause; *(2)* obstructed justice with a concocted, false story that I said that I just wanted to drill someone in the head with a 44-magnum without acting in self-defense, concerning an illegal tampering and entering of my Ford Motor Home on the street; *(3)* obstructed justice with a

concocted, false story for the whereabouts of a Gross Vehicle Weight Rating Label for the subject Ford Motor Home in the lawsuit, with respect to (Title 49, Code of Federal Regulations, Section 568.4) requiring Ford to provide that information label in an Incomplete Vehicle Instruction Manual; *(4)* obstructed justice with a lie that Ford Motor Company has a policy to stop pro se litigants from seeing relevant and necessary tolerances, which are needed to prove defects in workmanship of the Ford Motor Home Chassis. Then the same conspiracy, which was before U. S. District Judge Winmill, expanded in the midst of my federal, civil lawsuit against the Ford Defendants to add new, conspiracy members and more false evidence, deceit and perjury to the combination of fraud to include their concocted false story---that I said that I wanted to buy a rifle to shoot the President of the United States. *(See Appendix G - Petitioner's Motion For Extension Of Time To Challenge Magistrate Boyle's Report, Due To An Interposed President Threat Hoax Causing My Incarceration; Appendix H - Pages 1, 9 and 13 Of The Affidavit Of Secret Service Agent Dennis Morgan, In Regard To Interposed President Threat Hoax)*

I had also filed my motions in this case CV 94-0566-S-BLW to join my related Federal case *(Alan B. Van Sickle v. Ned J. Kerr, Judge Dennis Goff, et al. / CV-94-0546, Part I)*, which motions were deferred and never further entertained by the U.S.

District Court in its disposition. That related Federal case alleged an underlying [bogus trial judge assigning procedure] that precipitated and also caused my detriment, demise and injury in my prior Ford case in State Court. In fact, both of my Federal cases contained allegations in (Count I) to the effect that the Defendants conspired to use a bogus judge assigning procedure in the ministerial capacity, in State Court, to mislead me so that the state judge could prejudicially abuse discretion throughout the proceedings in State Court in order to allow Ford to prevail, thus causing my demise and injury in State Court. I appealed to the U.S. Court of Appeals for the Ninth Circuit.

Affirming Of U. S. District Court's Decision To Dismiss (Counts I And IV) By U. S. Court Of Appeals For The Ninth Circuit

My appeal, *(Docket No. 98-35699),* went before Ninth Circuit Judges Browning, Schroeder and Pregerson, who, on August 19, 1999, entered their Decision, *(Appendix D),* to affirm the U.S. District Court's Decision, *(Appendix A),* to grant the Ford Defendants' motion to dismiss my complaint against them and to dismiss the case in its entirety. However, it was clear that those judges affirmed the District Court's Decision without following the law and completing due process by not applying all the aforementioned required standards owed to me. Subsequently, on August 23, 1999, within 14 days

after I received that Decision from the Ninth Circuit, I filed my Petition, *(Appendix F),* for Rehearing on grounds that the Court, in reaching a Decision, overlooked a material point of law and/or fact, which is that the complaint need not specify the correct, legal theory or point to the right statute to survive a motion to dismiss for failure to state a claim. I exhausted my direct appeals, because the Ninth Circuit made a Decision/Order, *(Appendix E),* to deny my Petition for Rehearing and proceeded in the direction of entering the mandate, thus leaving me irreparably damaged and without other adequate means to correct the manifest injustice, thwarting of justice and abuse of discretion.

ARGUMENT

The Courts failed to observe and follow due process and equal protection of laws in dismissal and affirming dismissal of (Counts I and IV).

Failure Of The Lower Courts To Observe And Follow The Laws And Standards That Are Supposed To Be Used In Deciding Whether To Dismiss (Count I and IV) Of The Complaint Just Because It Failed To State A Racketeering Claim, When (Count I And IV) Contained A Set Of Facts Respectively Giving Rise To Causes Of Action For Common Law Fraud And Intentional Infliction Of Emotional Distress For Which Relief Could be Granted

First, the main criteria justifying issuance of the *writ of certiorari*, are: that I have no other adequate means to attain the relief desired; I will be damaged or prejudiced in a way not correctable on appeal; the District Court's decision and Ninth Circuit's Decision are clearly erroneous as a matter of law; the District Court's Decision and Ninth Circuit's Decision are oft-repeated error, with a manifest and persistent disregard for Federal standards, laws, statutes and constitutional provisions; and the case raises important issues or problems unsettled in State and Federal court.

Without a doubt, the Ninth Circuit judges clearly abused discretion and erred by denying me *due process* and *equal protection of the laws* by not observing and following all the aforementioned standards, case laws and rules for reviewing de novo the District Court's Decision to grant the Ford Defendants' motion to dismiss and dismiss the case in its entirety. It clearly appears from the Decisions of the U. S. District Court and Ninth Circuit, that the judges thwarted justice by stopping short of *due process* and *equal protection of the laws* by not following the standards owed: that the complaint need not specify the correct, legal theory or point to the right statute to survive a motion to dismiss for failure to state a claim, according to *(Pope v. Inland Property Management Inc., 878 F.Supp. 1114)*; that as long as the complaint contains a set of facts for which relief can be granted under some theory, it

survives the Defendants' motion to dismiss, according to *(Thomas v. New York City, 814 F.Supp. 1139)*; and that the U. S. District Court's Decision to grant the Defendants' motion to dismiss (Counts I and IV) can only be affirmed if it is clear that no relief could be granted under any set of facts, according to *(Cook, Perkiss and Liehe, Inc. v. N. California Collection Services, Inc., 911 F2d. at 244)*; and that in dismissals for failure to state a claim, a District Court should grant leave to amend even if no request to amend the pleading was made, if it appears that the pleading could be cured by the allegation of other facts, according to *(Bonanno v. Thomas, 309 F.2d 320, 322 (9th Cir. 1962))*.

In the instant case, the Ninth Circuit's Decision makes it clear that (Count I and IV) of my complaint were dismissed [o]nly for failing to state a claim for racketeering, which those counts specified or pointed to in their allegations, and that the Court did not follow the above and foregoing standards. And it is also clear that the set of facts in paragraphs 4 and 10 of (Counts I) incorporated into (Count IV) give rise to some actionable *fraud* that obstructed justice, and *intentional infliction of severe emotional distress*. Therefore, it is clear that all those standards and laws were not followed by the judges, mainly because of their ignorance, defiance and abuse of discretion. And it is also clear that the (Counts I and IV) could have been amended, even without a request for leave, to include additional

facts -- that the alleged conspiracy expanded further in U. S. District Court to add its concocted false story that I threatened the President of the United States -- so that it stated some actionable claim under a *fraud theory* or *(42 U.S.C.A., Section 1985 (2) - Conspiracy to obstruct justice with fraud,* or *intentional infliction of severe emotional distress.*

Furthermore, I have no other adequate means, such as direct appeal to obtain relief, because all those avenues for obtaining relief have been exhausted after being denied my Petition for Rehearing in the Ninth Circuit. I will be left damaged or prejudiced in a way not correctable on appeal, because the District Court's and Ninth Circuit's Decisions are clearly erroneous as a matter of law. (Counts I and IV) respectively state a set of facts for which relief can be granted, first for the tort of fraud and then for the tort of intentional infliction of severe emotional distress. But the Ninth Circuit's Decision in conjunction to the District Court's Decision is oft-repeated error, thwarting of justice and a persistent disregard of Federal standards and those tort laws.

Moreover, it appears that there is an issue of important public interest not very well settled in the Federal and State Courts, being that: where the alleged falsification of evidence and suborned perjury was a means to or step in the accomplishment of some larger conspiracy that

makes use of the legal proceedings to obstruct justice, damage a party and cause that party's demise, some courts recognize an exception and allow the damaged party to commence a new, independent, civil lawsuit for that fraud. *See Idaho Court of Appeals in Anderton v. Herrington, 741 P.2d 360 at 363; U.S. Dist. Ct. W.D. South Carolina in Frist v. Gallant, 240 F.Supp. 827 at 830.*

The gravamen or gist of this instant case then, in a nutshell, is the set of facts and combination alleging false evidence and perjury in paragraphs 4 and 10 of (Count I - fraud) incorporated into (Count IV - intention infliction of emotional distress) against the Ford Defendants, who, allegedly in concerted action, made use of the legal proceedings in State and then Federal Court to obstruct justice with that fraud to my detriment, demise and damage in conjunction to the alleged [bogus judge assigning procedure], which the Ford Defendants and Judge Dennis Goff conspired to use so that Judge Goff could continue presiding in the State Court proceeding, as he allegedly did, so that I would be misled, which I was, thus causing me not to file a timely needed motion to disqualify that presiding state judge automatically under the Idaho Rules of Civil Procedure; and then the conspiracy's added, false story in the midst of this case, CV 94-0566, in U. S. District Court, that I threatened to shoot the President of the United States, all combined to meet the criteria in *Frist v. Gallant,* concerning the

conspiracy using the proceeding to injure me with their fraud.

Failure Of The Lower Courts To Entertain Petitioner's Motion To Join Related Case No. CV 94-0546-S-BLW, Which Has Related Subject-Matter In Common With (Count I) In Case No. CV 94-0566-S-BLW Based On Fraud

It should be standard *due process* to rule on my pending motions to join and consolidate my related cases, because there were related fraud subject-matters in both cases (CV 94-0566-S-BLW; CV 94-0546-S-BLW). Magistrate Boyle's Order and Report, *(Appendix B),* identified those motions, which he ordered deferred. They were ultimately never entertained because (Counts I, II, III and IV) ended up all being dismissed. However, it was alleged in (Count I) of my complaint in CV 94-0566-S-BLW, that both cases had common, fraud matter in regard to a [bogus trial judge assigning procedure] which I alleged was part of the conspiracy that misled me so that I would not timely move to automatically disqualify the State Court Judge, Dennis Goff. In fact, in (Count I) of my complaint in CV 94-0566, I also allege that Judge Goff proceeded illegally, in Idaho State Court in my case (Van Sickle v. Ford Motor Company / CV 93-04934), by using a [bogus trial judge assigning procedure] which led to me being damaged by him in the proceedings due to his intentional abuse of

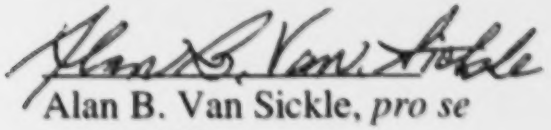
discretion. However, because the U.S. District Court dismissed (Counts I and IV) only on the basis of failing to state a racketeering claim, and overlooked the set of facts in those same counts giving rise to causes of action for fraud, my pending motions to join and consolidate my two Federal cases, *(Alan B. Van Sickle v. Ford Motor Company, et al, CV-94-0566, Part II; Alan B. Van Sickle v. Ned J. Kerr, Dan Kessler, Judge Dennis Goff, et al, CV-94-0546, Part I)*, were never ultimately entertained, thus being deprivation of due process by the District Court and Ninth Circuit. Therefore, those motions should be entertained upon recognizing the alleged fraud cause of action in (Count I) of CV 94-0566.

CONCLUSION

For the foregoing reasons then, my petition for a writ of certiorari should be granted.

Dated this 16th day of February, 2000

Respectfully Submitted,



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APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

[Filed: February 10, 1998]

CIV. NO. 94-0566-S-BLW

ALAN B. VAN SICKLE,

Plaintiff,

v.

FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,

Defendants.

JUDGMENT

The court has before it two Reports and Recommendations filed by the Chief United States

Magistrate Judge. Both sides filed responses to the Report. The Court has examined the Reports pursuant to 28 U.S.C. Section 636(b)(1) and finds that they accurately set forth the facts and correctly apply the governing legal standards.

Accordingly, now therefore it is hereby ordered, adjudged, and decreed, that the Reports and Recommendations (Docket Nos. 53, 99) shall be, and the same are hereby, adopted as the decisions of the District Court and incorporated fully herein by reference.

It is further ordered, adjudged, and decreed, that the motion for reconsideration (Docket No. 103), shall be denied.

It is further ordered, adjudged, and decreed, that the motion to strike or annul the illegal reports (Docket No. 103), shall be denied.

It is further ordered, adjudged, and decreed, that the motion to dismiss (Docket No. 23) be granted and that the above-entitled action is hereby dismissed in it's entirety.

February 10, 1998 /s/_____
B. Lynn Winmill
United States District Court

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

[Filed: September 11, 1995]

CIV. NO. 94-0566-S-EJL

ALAN B. VAN SICKLE,	)
	)
Plaintiff,	)
v.	)
	)
FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,	)
	)
Defendants.	)
	)

ORDER, REPORT AND RECOMMENDATION OF U. S. MAGISTRATE LARRY M. BOYLE, IN REGARD TO DISPOSITION OF (COUNTS I AND IV) OF PLAINTIFF'S COMPLAINT

Currently pending before the Court are Plaintiff's Request for Issuance and Delivery of Summonses for all Defendants (Docket No. 5); Plaintiff's Ex Parte Request for Extension of Time in Which to Serve Process by Rule 4; Plaintiff's Ex Parte Request for Appointment of U.S. Marshal to Effect Service of Process Should Defendants Fail to Answer the Plaintiff's Complaint Which He Sent To Them With The Form 1A and Form 1B (Notice of Lawsuit and Request for Waiver of Service of Summons) (Docket No. 6); Plaintiff's Ex Parte Request for an Extension of Time in Which to Effect Service of Process Formally Upon All Defendants (Docket No. 8); Plaintiff's Motion For Leave To Amend His Pleadings With The Attached [Proposed and Verified Third Amended Complaint] (Docket No. 22); Ford defendants' Motion to Dismiss Complaint (Docket No. 23); Plaintiff's Motion to Join Part I Case No. CIV 94-0546-S-EJL (Docket No. 30); Amended Plaintiff's Motion to Join Part I Case No. CIV 94-0546-S-EJL (Docket No. 31); Ford Defendants' Motion to Strike Plaintiff's Non-Conforming Pleadings, Motions, and Other Papers (Docket No. 32); Plaintiff's Motion for Sanctions Against Defendant Ford Motor Company's Counsel of Record, Rex Blackburn (Docket No. 39), and Plaintiff's Motions to Join or Consolidate Cases, etc. (Docket No. 39); Plaintiff's Motion for Leave to Amend His

Pleadings With The Proposed and Verified Fourth Amended Complaint (Docket No. 44), and Plaintiff's Motion to Join Defendant Parties As Co-Conspirators (Docket No. 44).

Having carefully reviewed the record, and otherwise being fully advised, the Court enters the following Report and Recommendation pursuant to 28 U.S.C. Section 636(b).

BACKGROUND

On December 23, 1994, Plaintiff filed a five-count verified complaint which alleges that (1) Defendants violated the Racketeer Influence and Corrupt Organization Act, 18 U.S.C. Sections 1961-68 ("RICO"), (2) Defendants are in violation of the Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C. Section 2301, (3) Defendants' violation of the Magnuson-Moss entitles Plaintiff to a refund of the amount paid for his motor home pursuant to section 2304(a)(4), (4) Defendants' violation of "RICO" provides a tort claim for Plaintiff regarding an intentional infliction of severe emotional distress, and (5) Defendant Key Bank of Idaho is in violation of RICO.

DEFENDANTS' MOTION TO DISMISS

Defendants argue that the complaint should be dismissed because: (1) Count fails to state a cause of action under RICO; (2) Counts II and III fail to state a cause of action for breach of warranty pursuant to 15 U.S.C. Section 2301; and (3) Count IV fails to state a claim for intentional infliction of severe emotional distress under RICO. For these reasons, Defendants have moved the Court to dismiss the complaint pursuant to Rule 12(b)(6) of the federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. The Court will discuss each of these contentions below.

Motion to Dismiss Standard

When analyzing a motion to dismiss under Fed. R. Civ. P. 12(b)(6), the Court must accept as true the allegations contained in the complaint and construe them in the light most favorable to the plaintiff. *Hew-Len v. F.W. Woolworth, 737 F.Supp. 1104 (D. Hawaii 1990).* Dismissal is improper unless it appears beyond doubt that the plaintiff can prove no set of facts in support of its claim that would entitle it to relief. *See generally Abramson v. Brownstein, 897 F.2d 389, 391 (9th Cir. 1990); Conley v. Gibson, 355 U.S. 41 (1957); California Dump Truck Owners Asso. v. Associated General*

Contractors, Etc., 562 F.2d 607 (9th Cir. 1977). Thus, the issue is not whether the plaintiff will ultimately prevail but whether it is entitled to offer evidence to support the claim. *(Scheuer v. Rhodes, 416 U.S. 232, 236 (1974), as cited in Cervantes v. City of San Diego, 5 F.3d 1273 (9th Cir. 1993).* The Court must also limit its review to the allegations of the complaint when ruling upon such a motion. *Willford v. People of the State of California, 352 F.2d 474 (9th Cir. 1965); Zatkin v. Primuth, 551 F. Supp. 39 (S.D. Cal. 1982); Swensen v. Murchison, 507 F.Supp. 509 (N.D. Cal. 1981).*

The Racketeer Influenced and Corrupt Organization Act (RICO)

Plaintiff alleges in his first count that Defendants are in violation of the Racketeer Influenced and Corrupt Organization Act (hereinafter "RICO") Pub. L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. Sections 1961-1968 (1982 ed. and Supp. V). The Supreme Court has described RICO as follows:

(RICO) renders criminally and civilly liable "any person" who uses or invests income derived "from a pattern of racketeering activity" to acquire an interest in or to operate an enterprise engaged in interstate commerce, Section 1962(a), who acquires or maintains an interest in or control of such an enterprise "through a pattern of racketeering activity," Section 1962(b), who, being employed by or associated with such an enterprise, conducts or participates in the conduct of it's affairs "through a pattern of racketeering activity," Section 1962(c); or, finally, who conspires to violate the first three subsections of Section 1962, Section 1962(d). *H.J. Inc. v. Northwestern Bell Telephone, Co., 492 U.S. 229 (1989).*

To state a claim under RICO, Plaintiff must allege seven elements: "(1) that the defendant (2) through the commission of two or more acts (3) constituting a pattern of racketeering activity (5) directly or indirectly invests in, or maintain an interest in, or participates in (6) an enterprise (7) the activities of which affect interstate or foreign commerce." *Moss v. Morgan Stanley, Inc. 719 F.2d 5, 17 (2d. Cir. 1983), (citing 18 U.S.C. Section 1962(a)-(c)). See also Wilcox v. First Interstate Bank of Oregon, 815 F.2d 522, 531 n. 7 (9th Cir.*

1987) (citing Sedima v. Imrex Co., 473 U.S. 479, 496, 105 S.Ct. 3275, 3284 (1985); C & W Construction Co. v. Brotherhood of Carpenters, 687 F.Supp. 1453, 1466 (D. Hawaii 1988); Virden v. Graphics One, 623 F.Supp. 1417, 1431 (Cal. 1985)). In order to invoke Section 1962's civil remedies of treble damages and attorneys fees and costs, Plaintiff has the additional burden to "allege that he was injured in his business or property by reason of a violation of Section 1962." *See Moss, 719 F.2d at 17.* If a complaint lacks any one of these elements, dismissal is proper under Fed. R. Civ. P. 12(b)(6). *Confederate Memorial Ass'n, Inc. v. Hines, 995 F.2d 295, 299 (D.C. Cir. 1993).* Further, a RICO conspiracy claim will not withstand a motion to dismiss where it is alleged in wholly conclusory terms. *See Miranda v. Ponce federal bank, 948 F.2d 41, 48 (1st Cir. 1991).*

Having carefully examined Plaintiff's complaint, the Court finds it vague, conclusory, and generally unintelligible. The only determination the Court could make from the complaint in this regard, due to conspicuous absence, is that the pleading clearly fails to allege the foregoing elements necessary to state a claim under RICO. For these reasons, and in light of the foregoing authorities, the Court concludes that Defendants' motion to dismiss should be granted as to Plaintiff's RICO claim on the

asserted grounds.

Intentional Infliction of Emotional Distress

Count IV of Plaintiff's complaint alleges personal injury and seeks damages for intentional infliction of emotional distress regarding Defendants' alleged violation of RICO. In light of the Court's foregoing conclusion regarding Plaintiff's RICO allegation, Defendants' motion to dismiss should be granted as to Count IV for the same reasons stated above.

ORDER

Based upon the foregoing, and for good cause appearing therefor, IT IS HEREBY ORDERED;

1. Plaintiff's Motion for Leave to Amend His Pleadings With The Proposed and Verified Fourth Amended Complaint; Plaintiff's Motion to Withdraw His Proposed and Verified Second and Third Amended Complaints; Plaintiff's Motion to Join Defendant Parties as Co-Conspirators (Docket No. 44) is Denied.

2. Defendants shall be allowed ten (10) days from the date hereof to submit evidence that the claims in Counts II and III of the complaint have been

fully adjudicated in state court proceedings.

3. Plaintiff shall be allowed ten days thereafter to present evidence on the res judicata issue raised by the Defendants motion to dismiss.

4. The remaining motions are deferred until all parties have had the opportunity to submit additional evidence as outlined above.

RECOMMENDATION

Based upon the foregoing, this Court recommends the District Court enter an order granting Defendants' Motion to Dismiss (Docket No. 23) regarding Counts I and IV. For the purposes of judicial economy, the Court recommends that no action be taken until a final ruling is issued regarding Counts II and III. Thereafter, the parties can respond to that recommendation at the time and the District Court can consider all issues only once at the same time.

Written objections to this Report and Recommendation must be filed within ten (10) days pursuant to 28 U.S.C. Section 636(b)(1) and local Rule 72.1(d) or as a result that party may waive the right to raise factual and/or legal objection in the

Ninth Circuit Court of Appeals.

Dated this 11th day of September, 1995.

/s/_____
Larry M. Boyle
United States Magistrate

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

[Originally Filed: December 14, 1994, As Part II Case, CIV. NO. 94-0546-S-EJL;
And filed: December 23, 1994, as Part II Case CIV. NO. 94-0566-S-EJL]

ALAN B. VAN SICKLE,

Plaintiff,

v.

FORD MOTOR COMPANY, a Delaware corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10.

Defendants.

VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, and as and for his Verified Complaint alleges against the above-captioned defendants as follows within this Honorable Court's jurisdictional power to hear and determine all of the subject-matters arising in this civil action involving a syndicate of organized crime and racketeering activities in interstate commerce and Idaho state court.

FEDERAL DIVERSITY JURISDICTION AND INTRODUCTION

1. The amount of damages in this case exceed $52,000.00 as now claimed by the Plaintiff.

2. The Plaintiff's claims in this case arose in the State of Idaho after he had moved to the State of Oregon.

3. The above-captioned Defendants reside in different states in the United States.

4. The first part of this complaint is based on racketeering as alleged under 18 U.S.C.A., Sections 1961 through 1968 in conjunction with Section 1503 for obstructing justice by conspiracy to use false statements and perjury to influence the Court in the case of Van Sickle vs. Ford Motor Company, et al, Case No. 93 CV 04934, Canyon County District

Court, Idaho. A vendetta was held against the Plaintiff by Ford Motor Company, Evans-Keane Law Firm, and others because he "successfully" litigated another lawsuit against Subaru of America. This new case shows racketeering by Ford Motor Company, John J. Roy, et al, to obstruct justice in interstate commerce subject-matters ranging from perjuries and false statements about compliance to 49 CFR, Section 568.4; to the obstruction of justice in proving warranty claims for breach and fraud because of perjury to influence the judge; to creating fear upon the plaintiff because of perjury provoking him into emotional arguments attacking those using perjury.

a. Count I - Against new Defendants John J. Roy, Bruce C. Jones, et al, for a pattern of interstate racketeering activity by obstruction of justice by perjury and false statements to influence the Court; provoking the Plaintiff in discovery causing him anger and fear to his detriment in Court upon their perjury to influence the Court; and forcing the Plaintiff out of Court by sanctions influenced by their perjury which provoked the plaintiff into personal attacks (arguments) justified to his detriment. This Count shall be heard in conjunction with Part I of the Plaintiff's complaint against Ned J. Kerr, Dan Kessler, Judge Dennis Goff, et al. The substance and merit of Part I of this case act as a

means to create equitable relief against Judge Dennis Goff's orders and judgments by means of an injunction annulling those orders because of wrongful ministerial acts in the judge assigning procedure which caused the Plaintiff to waive or withhold a timely needed motion to disqualify judge Goff without cause to the plaintiff's detriment pursuant to 42 U.S.C.A., Section 1983 in conjunction with 18 U.S.C.A., Section 1503 for obstructing justice ministerially for correct judge assigning procedure;

b. Count II - Against Defendant Ford Motor Company for deceptive limited warranty pursuant to "Magnuson Moss Warranty Act", 15 U.S.C.A., Section 2310 et seq., within the defined meaning of "deceptive warranty" under subsection(c);

c. Count III - Against Defendant Ford Motor Company for a cause of action under the Magnuson-Moss Warranty Act, 15 U.S.C.A., Section 2301 et seq., Section 2304(a)(4) for the remedy of refund after a reasonable number of repair attempts by the warrantor (Ford Motor Company) failing to remedy defects in the Ford product chassis-cab vehicle (hereinafter the Plaintiff's Motor Home" identified as VIN: 1FDKE30G4PHA12541);

d. Count IV - Against Defendants John J. Roy, Bruce C. Jones, Ford Motor Company, et al, for intentional infliction of severe emotional distress upon the Plaintiff causing him severe emotional distress to his detriment;

e. Count V - Prohibited activities against Defendant Key Bank of Idaho.

COUNT I

5. The Plaintiff realleges paragraphs 1 through 4(a) above as if fully set forth herein.

6. On April 8th, 1993, the plaintiff purchased a new 1993 Ford Chassis (1FDKE30G4PHA12541) in the State of Idaho and City of Nampa. At this time, the Plaintiff had terminated his residency in the state of Idaho, and was instructed to show an Oregon mailing address arranged for him in the State of Oregon upon the seller's recommendation to exclude tax on it.

7. Federal regulations (49 CFR, Section 568.4 and 567.5) required compliance to Gross Vehicle Weight Rating and Safety Standard Instructions in the incomplete vehicle stage of manufacturing from Ford Motor Company before selling the incomplete vehicle to Winnebago Industries, Inc., for

completion of it. Pursuant to Section 568.4(a)(4), Ford Motor Company was required to disclose a document (Incomplete Vehicle Manual) which should have contained, either in its text or on its front cover, a statement specifying what specific GVWR to use for completion of the incomplete motor home, so that Winnebago Industries would be properly informed and instructed on what GVWR to use for satisfying Ford's guaranty of compliance to applicable Federal Safety Standards set forth in that manual for safely adding a coach on the Ford product. State Courts do not have power to grant motions for noncompliance orders compelling the fulfillment of these regulations governing the manufacturing of the motor home;

Section 567.5 governs the requirement to have Ford affix a label to the chassis-cab of the motor home upon completion of the Ford first stage of manufacturing in compliance to that section which specifically requires that Ford state on that label that: (a) "The chassis-cab conforms to Federal Motor Vehicle Safety Standard Numbers _____." "The statement shall be completed by inserting the numbers of the safety standards (e.g., 101, 207) to which the chassis-cab conforms"; (b) "This vehicle will conform to Standard Numbers _____ if it is in accordance with the instructions contained in the Incomplete Vehicle Manual furnished pursuant to

49 CFR, Section 568." The statement shall be completed therefor by inserting the numbers of the safety standards conformity to which is substantially affected by both the design of the chassis-cab and the manner in which the vehicle is completed (i.e., the standards listed under category (ii) in Section 568.4(a)(7).

8. At his purchase of the motor home, the Plaintiff had no reason to believe that any person or persons working for Ford would be scheming and planning to defraud him or use any intentional false statements or testimony against him in any way concerning any matters arising from the purchase of it. In fact the Plaintiff liked Ford and trusted it to the point that he felt that no person(s) would even think about scheming fraud against him during the course of their Ford employment. The Plaintiff first believed that any representation made by Ford, upon the purchase of the motor home, was true and correct and untainted by any fraudulent misrepresentations or concealment. Moreover, the Plaintiff's first impression of Ford, upon his purchase first, was an image that Ford and its representatives (employees, agents, counsel) would never scheme, plan or use false statements of perjury to influence anyone to the Plaintiff's detriment and indignation;

Specifically, upon his purchase of the motor home, the plaintiff was blind to any fraudulent misrepresentations or concealment that Ford and its people (employees, agents, counsel) may have been planning, or may have used, when the inducement occurred. Pursuant to the case of *Frist v. Gallant, 240 F.Supp. 827,* any conspiracy to use false statements in the Court to influence the judge shall be reason enough to establish another separate cause of action for fraud and deceit causing undue damage from wrongfully influencing the judge when, in fact, the judge relied on the false statements or perjury to make his judgment to a party's detriment. The foundations of the conspiracy planning false and perjured statements, after the inducement to purchase, are established with particularity in a pattern of racketeering activity alleged in paragraphs 9 and 10 of this complaint. This paragraph 8 first alleges the plaintiff's reliances;

Furthermore, the Plaintiff would never have altered his position to his prejudice by pursuing any causes of action in State Court had he known about the conspiracy to use false statements and perjury to influence the State Court (Third District Court of Idaho) to his detriment in the case of Van Sickle vs. Ford Motor Company, et al, Case No. 93 CV 04934, which did not allege a cause of action for racketeering pursuant to 18 U.S.C.A. Sections 1961-

1968 in conjunction to Section 1503. Therefore, the Plaintiff was induced to first pursue other causes of action in Idaho State Court before he later discovered racketeering activities obstructing justice, and new Defendants;

A summation of the Plaintiff's reliances are set forth as follows for this cause of action as the Plaintiff believed were true at purchase: (a) that the Plaintiff relied on all representations set forth in the Ford Incomplete Vehicle Manual which was surely missing the front page of it at purchase concerning compliance to 49 CFR Reg., Ch. V, Section 567.5 and 568.4(a)(4) for the GVWR and Federal Safety Standard matters set forth and alleged in paragraph number 7 above; and that the Plaintiff believed that Ford people or their associates would not scheme, plan, or conspire in any way to fraudulently misrepresent any fact at purchase or at State Court proceeding concerning the truth about any compliance matters for these Federal Regulations above or as made reference to in paragraph number 7 above. In essence, the Plaintiff believed that Ford had complied in good faith to these regulations and that their people would not scheme, plan, or conspire to attempt to fraudulently make false statements or concealment by perjury for the Court's reliance thereon to induce and influence a judgment against the Plaintiff later on. To scheme, plan,

conspire, and defend by fraud is wrong for which redress can be sought by a new cause of action filed against those people involved. Such is the scenario in this case; (b) that the Plaintiff relied on Ford's Limited Warranty for the motor home at his purchase to the point that he was led to believe that Ford would not use a plan to make false statements in the event that it became involved in proceedings necessary to prove defects in workmanship of its product chassis in the motor home. The Plaintiff believed that Ford would never lie to the Court that dimensions and tolerances were kept from being disclosed to him under a bogus Ford trade-secret-policy obstructing in court disclosure to him of relevant and necessary dimensions showing the tolerances needed to prove defects in Court so that the Court would be influenced by that bogus (false) Ford policy or statement to the Court. The Plaintiff, at his purchase of the motor home, placed his full faith and trust in Ford and its representatives that they would not deny him personal access, in court, to the relevant and necessary dimensions and tolerances that the limited warranty created an impression of being necessary if needed; (c) that the Plaintiff had no idea, upon his purchase of his motor home, that Ford and their representatives (above-captioned defendants) were scheming to shotgun the Plaintiff with a pattern of false statements and perjury in Court as a means to racketeer and

obstruct justice for whatever causes of action that might arise from the purchase of the motor home. The plan of Ford Motor Company was to use false statements to obstruct the Plaintiff from proving any cause of action in Court. This is the standard modus operandi of Ford to racketeer and obstruct justice; (d) that the Plaintiff was given the impression, at his purchase of the motor home, that Ford had a fair arbitration program and panel to hear his case without prejudice to prevent a lawsuit and that Ford would allow him to prove his case in arbitration.

9. Ford's people (the above-captioned Defendants) have created the above impressions upon the Plaintiff to his detriment because all of those impressions, which are alleged in paragraph 8 above, are guised by fraudulent representations and concealment which were disclosed to the Plaintiff after his purchase of the motor home. The Plaintiff altered his position with prejudice to purchase the motor home therefore to his damage or detriment, and was forced into Court to discover the specific circumstances of fraud as set forth in paragraph 10 including Ford's plan and modus operandi to use perjury and false statements in Court to influence the Court and emotionally anger and provoke the plaintiff to personally attack the corruption with justification to his detriment in Court. The Plaintiff

was damaged in Court where he was set up and enmeshed in a web of fraud and perjury to obstruct justice within the meaning of racketeering activity (18 U.S.C.A., Sections 1961 and 1503) and syndicated corruption which provoked him to his indignation and personal attacks upon those causing it to his detriment.

10. Defendants Ford Motor Company, John J. Roy, Bruce C. Jones, et al, John and/or Jane Does 1 through 10 did conspire to scheme, plan and racketeer by means of obstructing justice with perjury to wrongfully influence the Court and create fear upon the Plaintiff in favor of Ford Motor company. The plan was to guise that Ford had complied with all Federal Regulations and laws for the manufacturing, distribution, and sale of the motor home in interstate commerce. They guised that 49 Code of Regulations, Sections 568.4 and 567.5 were complied with by perjuring answers to interrogatories 3, 8, and 34 to create a false impression that a Gross Vehicle Rating Label requirement (568.4(a)(4)) had been fulfilled. This was accomplished by making it appear that an Exhibit A label attached to interrogatory answer 34 was inside a plastic bag accompanying an Incomplete Vehicle Manual, when in truth and fact it was a different Incomplete Vehicle Label pictured on page 5 of the Incomplete Vehicle Manual that

was actually inside the plastic bag accompanying said manual. The Exhibit A label attached to answer 34 should have been affixed to the Incomplete Vehicle Manual Cover by Ford in the course of its manufacturing, distribution, and sale of the product to the final stage manufacturer for instruction purposes on how to safely complete the motor home. Ford is obstructing justice to influence the judge to make a favorable judgment in their favor to aid and abet its racketeering game in interstate commerce;

These same Defendants are also involved in more racketeering activities to obstruct justice with perjury to influence the judge to make a judgment in their favor concerning the guising of warranty policies for the product motor home to create a false impression to the judge that the Plaintiff himself has no right to see manufacturer's specifications (blueprints, dimensions and tolerances) relevant and necessary to prove specific defects in workmanship of their product in Court. This plan was accomplished by first creating a false impression that the Ford agent dealership networks can diagnose all defect in workmanship of their product in guise of the fact that the necessary dimensions and tolerances needed to accomplish this are held as trade secrets from them, and then by using Ford's conspiracy to use false statements to the effect that

Ford's policy is to prohibit a litigant, in a lawsuit with Ford, from seeing relevant and necessary dimensions and tolerances in Court to prove a defect himself. Ford's policy is to allow disclosure of relevant and necessary specifications to a party in Court. In not releasing relevant and necessary dimensions/tolerances to the Plaintiff in Court, Ford has used a conspiracy to use perjury and false statements to the contrary in Court to wrongfully influence the judge for a favorable judgment against the Plaintiff to his detriment and indignation;

These same Defendants conspired to wrongfully taint the Court's mind by perjuring themselves to the judge that the Plaintiff's anger and emotions are unjustified under circumstances that someone illegally entered his motor home to alter his evidence and damage his property in connection with his lawsuit against Ford Motor Company, et al. They perjured themselves by making intentional false statements to the Court that the Plaintiff would just drill someone in the head with a 44-magnum without acting in self-defense inside his motor home should it happen again. They created anger and fear upon the Plaintiff by planned perjuries by and through a conspiracy to racketeer to cover-up for this wrongful act of the co-conspirator that did it so that justice would be obstructed and so that the Court would be wrongfully influenced by it;

They turned the judge and Court against the Plaintiff by planned perjury to influence the judge in whatever way they could. They created a false light image of the Plaintiff as a bad person attacking them verbally in Court upon provoking him to do so with perjury and expecting that he just take it to his detriment without standing up for his rights to fight back in defense. They intentionally misled the judge that the Plaintiff had no right to be angered upon the Court's initial intent to mislead the Plaintiff about how a trial judge was going to be assigned to his case. They conspired to aid and abet the Court's wrongful acts to misuse and abuse power under color of law to deprive the Plaintiff of all fundamental fairness - due process in the judge assigning procedure so that the judge could damage the Plaintiff by and through the illegal influences of perjury to obstruct justice in the position of prejudice that they illegally maneuvered the judge into by their lies in court. They influenced the judge to call the Plaintiff Mr. Van Slick at the first hearing as a means to provoke and anger him so that they could later demonize him for his emotional angers for which they would influence the judge to award money to them for prejudice. Then they want the Plaintiff to look upon them as professional people. The Plaintiff did look upon them as professional racketeering representatives for Ford

Motor Company because of their illegal racketeering activities;

They caused the Plaintiff to stop attending court hearings in his case for fear of them and their illegal activities of racketeering enmeshed in the Court proceedings. The Plaintiff, upon discovering the conspiracy to racketeer and obstruct justice in Court (Idaho Third District Court), refused to be damaged anymore in this Court by the racketeer influenced judge Goff. The Plaintiff stopped attending hearings because of this criminal activity in Court (Third District Court, Canyon County Court House). He now has a right to commence this new action in Federal Court.

11. As a direct, proximate, and consequent result of Ford Motor Company's schemes and plan to have John J. Roy, Bruce C. Jones, et al Defendant John Does engage in and participate in its racketeering activities patterned for the Plaintiff's detriment, the Plaintiff now has been damaged in the sum of at least $85,000.00 which he should not have to bear the burden of under these catastrophic circumstances leading to irreparable injury if not given relief therefrom.

WHEREFORE, the Plaintiff prays for relief in the sum of at least $85,000.00 for his financial

damages, and he prays for treble that amount under statute 18 U.S.C.A., Section 1964(c) threefold his damages in the sum of $255,000.00 in addition to his costs and attorneys' fees incurred. The Plaintiff also prays for equitable relief in the nature of an injunction against Ford Motor Company barring any collection of its attorneys fees and costs arising from this prohibited activity pursuant to 18 U.S.C.A., Section 1962, inclusive of a preliminary injunction and restraining order to initially stop collection until the case is settled fully in Court to the point of placing a permanent injunction.

COUNT II

(omitted here - not in question)

COUNT III

(omitted here - not in question)

COUNT IV

21. The Plaintiff realleges paragraphs 1 through 11 above as if fully set forth herein.

22. The Plaintiff now claims that in realleging paragraphs 1 through 11 above, the acts alleged therein have now reached a level of severe and intentional infliction of emotion distress as a means of racketeering related activity to create fear, threat,

and harm financially to the Plaintiff's detriment concerning the illegal motor home product from Ford in interstate commerce.

23. For support of this claim against all above-captioned Defendants causing the Plaintiff irreparable harm and damage and severe emotional distress, the Plaintiff alleges that it was part of their plan to obstruct justice by using false statements and perjury concerning lying about having nothing to do with an illegal entry and alteration of the Plaintiff's motor home; lying about the Plaintiff's right to warn of bearing arms in self-defense in his motor home if needed to; guising the whereabouts of GVWR information pursuant to 49 Code of federal regulations, Sections 568.4 and 567.5 requirements; lying about manufacturing specifications (dimensions/tolerances) being secretive only to officers of the court when these specifications were shown relevant and necessary to proving specific defects in Court when the Plaintiff was willing to enter into a Court agreement not to disclose that confidential matter to outside parties; lying that the Plaintiff was not wronged and misled about how a trial judge became assigned to his case; all other fraud mentioned in paragraph 10 above.

24. The Plaintiff now claims that as a result of the outrageous conduct and intentional infliction of

severe emotional distress upon him, he now suffers day-in and day-out with severe anger, fear, severe up-set feelings and physical distresses, and pure torture of having to bear this kind of emotional distress to the point that it has affected his whole life and performance to his detriment.

25. As a direct, proximate, and consequent result of this outrageous conduct, the Plaintiff now claims $330,000.00 in damages to his detriment under this claim for relief.

WHEREFORE, the Plaintiff prays for relief and judgment against the Defendants John J. Roy, Bruce C. Jones, Ford Motor Company, et al John Does as the case may be proved for the sum of $330,000.00 in damages.

COUNT V

(omitted here - not in question)

Dated this 7th day of December, 1994

By,

/s/_____
Alan B. Van Sickle

VERIFICATION

STATE OF IDAHO)
) SS.
County of Ada)

I, Alan B. Van Sickle, after being first duly sworn upon oath, say and depose that to the best of my knowledge and belief that all of the facts and circumstances are true and correct in this complaint.

Dated this 7th day of December, 1994

By:
/s/_____
Alan B. Van Sickle

SUBSCRIBED AND SWORN TO BEFORE ME on this 7th day of December, 1994.

(SEAL)

/s/_____
Martha c. Pruett
Notary Public for Idaho
Residing in Boise, State of Idaho;
My Commission Expires:
5/7/98

DEMAND FOR JURY TRIAL

The Plaintiff herein and hereby makes his DEMAND FOR A TRIAL BY JURY OF (12) MEMBERS in this federal case.

By,
/s/_____
Alan B. Van Sickle

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

[Filed: January 27, 1995, As Part II Case, CIV. NO. 94-0566-S-HLR]

ALAN B. VAN SICKLE,	)
	)
Plaintiff,	)
v.	)
	)
FORD MOTOR COMPANY, a Delaware corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,	)
	)
Defendants.	)
	)

VERIFIED FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, pro se, and, pursuant to Rule 15(a) of the Fed. R. Civ. P., amends freely his Original Verified Complaint in this case. The Plaintiff hereby incorporates his entire Verified Original Complaint, Demand For

Jury Trial, and Verification for it as if fully realleged and set forth herein with the exception of Paragraph Number 10 and the Prayer For Relief for Count I which are amended as alleged on the following pages:

COUNT I

10. The Defendants, Ford Motor Company, Bruce C. Jones, and John J. Roy, and John and/or Jane Does 1 through 10 did conspire to scheme, plan, and racketeer by means of obstructing justice with a prolonged pattern of perjury to influence the Third District Court's Judge Goff to the Plaintiff's detriment. Their plan was to fraudulently guise that Ford had complied with the Federal Regulations, 49 Code of Federal Regulations, Sections 568.4 and 567.5, in the course of Ford's manufacturing, distribution, and sale of the incomplete vehicle (motor home) in interstate commerce. They did accomplish that part of the fraud plan by intentionally lying and using perjury in their interrogatory answers 3, 8, and 34 concerning the whereabouts of a specific Gross Vehicle Weight Rating Instruction Statement/Label which was to have been affixed by Ford on the cover of its Incomplete Vehicle Manual in conformance to section 568.4. They guised an Exhibit A Label attached to interrogatory 34. They said Exhibit A

was in a plastic bag accompanying the Incomplete Vehicle Manual when in truth and fact it was not inside the plastic bag as the evidence (Incomplete Vehicle Manual) shows on pages 3, 5, and 6 for the E30 (5, 6, 7 VIN DIGITS) of the Plaintiff's E350 Ford Econoline Cutaway Chassis Configuration identified as VIN: 1FDKE30G4PHA12541. The evidence shows that the Plaintiff's Ford chassis was not a "Stripped-Chassis Configuration", and that therefore no Incomplete Vehicle Label or Exhibit A Label accompanied the Incomplete Vehicle Manual inside a plastic bag. They also lied that section 567.5 was complied with in all respects referred to in paragraph 7 above. Consequently, the subject vehicle was not properly conformed to Federal Safety Regulations because Ford did not follow Federal Regulations 568.4 and 567.5 instructing how to safely complete the vehicle. Ford lied about providing proper instruction in the Document (Incomplete Vehicle Manual) for what specific GVWR it wanted the incomplete vehicle to be completed to in final manufacturing stage and the sale of it's product which led to the Plaintiff being defrauded and induced into purchasing the illegal motor home. These same Defendants have perpetrated an atrocious level of racketeering activity to obstruct justice to the Plaintiff's detriment in this matter involving the illegal vehicle's manufacture, distribution, and sale in

interstate commerce. This activity is prohibited because it is defined as racketeering activity to obstruct justice with fraud and perjury;

These same Defendants conspired successfully to taint the judge's mind by perjury that the Plaintiff was just going to drill someone in the head with a 44-magnum without good cause of self-defense inside his motor home concerning the illegal entry of it in connection with altering his evidence in Third District Court Case 93 CV 04934. The Plaintiff did not threaten to shoot anyone without clarifying that it would be done in self-defense if necessary inside his motor home. This matter created an emotional anger upon the Plaintiff for fear of the illegal intrusion incident which actually happened in connection with his State Court Case 93 CV 04934. The judge relied on Defendant Bruce C. Jones's perjury in conspiracy with John J. Roy and Ford to damage the Plaintiff by this undue influence upon the judge for a favorable judgment;

These same Defendants, in a conspiracy as part of a fraud plan to use perjury and false statements, intentionally and successfully misled the judge with false statements to the effect that the Plaintiff disingenuously schemed with hindsight a reason for failing to timely move to disqualify Judge Goff without cause because the Third District Court had

misled him about the judge assigning procedure. These defendants knew that the Plaintiff had been given a bogus judge assigning procedure by the Third District Court to the extent that a trial judge would be named and assigned upon a subsequent request for trial setting which misled the Plaintiff and caused him to waive or withhold a timely needed motion to disqualify Judge Goff before hearing of the first contested motion since the Plaintiff was waiting to learn the name of the trial judge assigned upon a future request for trial setting, The Plaintiff was again damaged by this undue influence with intended false statements designed to mislead the judge for judgment in favor of Ford. The judge relied on these same defendants' false statements to the Plaintiff's detriment;

These same defendants conspired to use successfully, as they did, a plan to use false statements to oppose almost all that the Plaintiff said in Court for the purpose of wrongfully and illegally obstructing justice by that means as part of their plan to use perjury in furtherance of a larger scale fraud operation to illegally manufacture, distribute, and sell illegal Ford product motor home chassis;

The defendants' pattern of false statements, perjury, and false evidence in this matter was for the

Court's reliance thereon to the Plaintiff's detriment and indignation. A separate cause of action for racketeering with a conspiracy to use perjury and false statements to obstruct justice is actionable in this Federal court for redress of this part of the fraud plan activity defined as racketeering to obstruct justice in interstate commerce matter. Defendant Ford is prohibited from racketeering in Court by means of using persons (John J. Roy, Bruce C. Jones, at al, defendants John and/or Jane Does 1 through 10) conspiring to utilize perjury and falsified evidence to influence the court for a favorable judgment to the Plaintiff's detriment by 18 U.S.C.A., Section 1961-1968. The Plaintiff was damaged due to Ford's conspiracy using perjury which did influence the judge in Ford Motor Company's favor;

These same Defendants, Ford, John J. Roy, Bruce C. Jones, and John and/or Jane Does 1 through 10 successfully conspired to obstruct justice by using false statements to convince the judge that the Plaintiff had no right to personally see relevant and necessary trade secrets to prove specific defects in workmanship of the Ford product chassis. Ford's policy is to release relevant and necessary trade secrets (dimensions and tolerances) to a Plaintiff in Court upon a confidentially agreement between the parties for disclosure to only the party and his expert

witness who may need to review them for the purpose of proving a defect in the case against Ford with the understanding that there may be sanctions imposed for any violation of the confidential agreement for releasing trade secrets. The Plaintiff was again damaged by Ford's undue fraudulent influence upon the judge in this matter because the judge relied on Ford's deceitful guise that Ford had no such policy to release relevant and necessary trade secrets to a party plaintiff to prove defects confidentially between the parties in Court under an agreement between the parties to keep trade secrets from others outside the lawsuit. This plan was part of Ford's pattern of racketeering activity to use fraud to obstruct justice in Court;

These same Defendants caused the Plaintiff to stop attending Court hearings in his Case 93 CV 04934 because of their criminal activity to corruptly influence the judge with their part of the plan using perjury, lies false statements, and false evidence to obtain favorable judgments all through the proceedings. The Plaintiff did not have to continue attending those hearings under the Racketeering Influenced And Corrupt Organization Act (RICO), 18 U.S.C.A., Section 1961-1968. The Plaintiff was being damaged in State Court because of the racketeering activities which are prohibited in this nature (obstructing justice - 18 U.S.C.A., Section

1503). The Plaintiff became enmeshed and entrapped in the racketeering activities of these same Defendants at no fault of his own as he first discovered in the proceedings of that Case (93 CV 04934). The epitome here is the fact that RICO activity is prohibited in State Court proceedings for the purpose of obstructing justice by undue and corrupted influence upon a legal entity defined as a court. This matter is a new cause of action for which the Federal Court has jurisdiction over both the subject-matter and persons involved. The Plaintiff's means of redress is controlled by 18 U.S.C.A., Section 1964 for both damages and equitable relief;

Moreover, this new cause for racketeering activity to influence the judge by a conspiracy to use perjury, lies, and false evidence to gain favorable judgment in Ford's favor is illegal and renders the State Court Case (93 CV 04934) an illegal proceeding damaging the Plaintiff in conjunction also with the "bogus ex parte judge assigning procedure" given to the Plaintiff in Third District Court's ministerial capacity for which redress and equitable relief is sought properly under 42 U.S.C.A., Section 1983 and 1985 in Part I Case (CIV 94-0546-S-EJL) for the wrongful ministerial act implementing the bogus judge assigning procedure. The Plaintiff should be vindicated from

racketeering influenced and corrupted organization crimes and acts which he was enmeshed in by Defendants Ford, John J. Roy, Bruce C. Jones, and John and/or Jane Does 1 through 10 pursuant to 18 U..S.C.A., Section 1962 and 1964 concerning all of the obstruction of justice (conspiracy to use perjury, lies, false statements) designed to influence the legal entity (Third District Court) to the Plaintiff's detriment in Case 93 CV 04934. The evidence will show that this racketeering activity caused the Plaintiff to become damaged and sanctioned to his indignation in case 93 CV 04934.

PRAYER FOR RELIEF FOR COUNT I

WHEREFORE, the Plaintiff prays for relief for three fold his damages in the sum of $255,000.00 pursuant to 18 U.S.C.A., Section 1964(c), and he prays for equitable relief restraining and preventing all violations of 18 U.S.C.A., Section 1962 as the Court deems appropriate inclusive of making due provisions for the rights of the Plaintiff as an innocent person who is entangled, enmeshed, and entrapped in the Defendants' illegal racketeering activities alleged in this case involving the illegal manufacturing, illegal distribution, and the illegal sale of the subject motor home to the Plaintiff as an innocent person. The Plaintiff prays that this Court will order the Plaintiff be relieved of his security

loan agreement on the illegal product which was illegally financed through the seller, Tom Scott Motors, acting as an agent of Key Bank of Idaho, and that the Defendants be held liable for the Plaintiff's damages incurred for paying off his loan on the illegal product from which income is being derived from illegally pursuant to 18 U.S.C.A, Section 1962. The Plaintiff's damages prayed for shall be inclusive of the loan balance, his down payment, his trade-in vehicle allowance, and all his out-of-pocket expenses incurred due to the purchase of the motor home which he would not have purchased had he first known of the fraudulent circumstances used to induce his purchase of it, and all of his costs and expenses for litigation and trial inclusive of his attorney's fees, and all incidental and consequential damages arising from the purchase of the illegal motor home. The Plaintiff prays for an injunction barring all of the Defendant's attorney's fees derived from their illegal racketeering activity to influence the judge for a favorable judgment in case 93 CV 04934 pursuant to 18 U.S.C.A., Section 1962 (Prohibited Activities). The Plaintiff further prays that the illegally manufactured, distributed, and sold motor home (1FDKE30G4PHA12541) be seized by the Court, and that it be disposed of by a Court order requiring that Defendant Ford buy the product back for the full purchase price of $52,000.00 which the

Plaintiff has paid to the seller upon purchase. Amen

VERIFICATION

STATE OF IDAHO)
) SS.
County of Ada)

I, Alan B. Van Sickle, hereby verify that all of the foregoing facts and circumstances alleged and realleged above are true and correct to the best of my knowledge and belief as stated in my First Amended Complaint in this Case (94 CV 0566-S-HLR).

January 27, 1995 /s/_____
Alan B. Van Sickle

SUBSCRIBED AND SWORN TO BEFORE ME on this 27th day of January, 1995.

(SEAL) /s/_____
Betty Huff
Notary Public for Idaho
Residing in Kuna, Idaho;
My Commission Expires:
4/1/2000

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

[Filed: August 19, 1999]

No. 98-35699
D.C. No. CV-94-0566-S-BLW

ALAN B. VAN SICKLE,

Plaintiff-Appellant,

v.

FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,

Defendants-Appellees.

MEMORANDUM DECISION

Before: Judges Browning, Schroeder and Pregerson

Alan B. Van Sickle appeals pro se the district court's Fed. R. Civ. P. 12(b)(6) dismissal of his claims against Ford Motor Company alleging violations of the Racketeering Influence and Corrupt Organization Act ("RICO"), 18 U.S.C.A., Sections 1961-1968, and the grant of summary judgment on his claims under the Magnuson-Moss Warranty Federal Trade Commission Improvement Act ("Magnuson-Moss Act"), 15 U.S.C. Section 2301. We have jurisdiction pursuant to 28 U.S.C. Section 1291. We review de novo the district court's dismissal and grant of summary judgment, *See Stone v. Travelers Corp., 58 F.3d 434, 436-37 (9th Cir. 1995) (dismissal); Margolis v. Ryan, 140 F.3d 850, 852 (9th Cir. 1998)* (summary judgment), and we affirm.

The district court properly dismissed Van Sickle's RICO claims for failure to state a claim because he failed to allege the requisite elements. *See Sun Sav. & Loan Ass'n v. Dierdorff, 825 F.2d 187, 191 (9th Cir. 1987).* As a consequence of Van Sickle's failure to state RICO violations, he necessarily fails to state a claim for intentional infliction of severe emotional distress arising from the alleged RICO violations.

The district court properly granted summary judgment to defendants on his Magnuson-Moss Act

claims on res judicata grounds because there was no genuine issue of material fact that the warranty issue raised in district court arose out of the same transactional nucleus of facts as the warranty issue litigated in a prior state court action between the same parties resulting in a final judgment on the merits. *See Walters v. Industrial Indem. Co. of Idaho, 949 P.2d 223, 225 (Idaho 1997).*

Because Van Sickle's proposed amendments to his complaint would be futile, the district court did not abuse discretion by denying his motion to amend. *See Reddy v. Litton Indus., Inc., 912 F.2d 291, 296 (9th Cir. 1990).* Van Sickle's remaining contention lacks merit.

AFFIRMED.

APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

[Filed: October 21, 1999]

No. 98-35699
D.C. No. CV-94-0566-S-BLW

ALAN B. VAN SICKLE,	)
	)
Plaintiff-Appellant,	)
v.	)
	)
FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,	)
	)
Defendants-Appellees.	)
	)

ORDER
Before: Judges Browning, Schroeder and Pregerson

9th Circuit's Order Denying Rehearing - 10/21/99

The panel has voted to deny appellant's petition for panel rehearing. No further filings shall be accepted in this closed appeal.

APPENDIX F

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

[Submitted: August 21, 1999]

No. 98-35699
D.C. No. CV-94-0566-S-BLW

ALAN B. VAN SICKLE,	)
	)
Plaintiff-Appellant,	)
v.	)
	)
FORD MOTOR COMPANY, a Delaware Corporation; JOHN J. ROY; BRUCE C. JONES; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,	)
	)
Defendants-Appellees.	)
	)

APPELLANT'S PETITION FOR REHEARING

Appellant's Petition For Rehearing - 8/21/99

Pursuant to (FRAP 40), and before petitioning the United States Supreme Court for a Writ of Certiorari to review the Ninth Circuit's decision in this case, I have the right to first file this Petition For Rehearing within (14) days from entry of judgment, in order to direct the Ninth Circuit's attention to a material point of fact and/or law that appears to be overlooked in the decision.

On August 19, 1999, the Ninth Circuit entered a Memorandum Decision affirming the District Court's dismissal of (Count I) for failing to state a (RICO) claim under 18 U.S.C., Sections 1961-1968. However, the point overlooked in the decision appears to be that (Count I) of the complaint need not specify the correct, legal theory or point to the right statute to survive a motion to dismiss for failure to state a claim. *See Pope v. Inland Property Management Inc., 878 F.Supp. 1114.* The court can affirm the District Court's dismissal only it it is clear that no relief could be granted under any set of facts. *See Cook, Perkiss and Liehe, Inc. v. Northern California Collection Services, Inc., 911 F.2d at 244 (9th Cir. 1990).* As long as it contains a set of facts for which relief can be granted, it survives the motion to dismiss. *See Thomas v. New York City. 814 F.Supp. 1139.*

The set of facts in (Count I) for which relief could be granted, but which this Court's Memorandum decision appears to have overlooked, are alleged in paragraphs 4 and 10. I contend that those paragraphs allege facts giving rise to an actionable fraud claim for the alleged step of the larger conspiracy using false evidence and suborned perjury, which injured me in state court, or that (Count I) could be amended with more specificity to state such a fraud cause of action. *See Anderson v. Herrington, 741 P.2d at 363 (Idaho App. 1987); Frist v. Gallant, 240 F.Supp. at 830.*

Therefore, the failure to state a (RICO) civil action in (Count I) should not be held detrimental in determining whether there is still some set of facts alleged in that count giving rise to an overlooked fraud claim for which relief can be granted.

Dated this 21st day of August, 1999.

By,
/s/_____
Alan B. Van Sickle

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
[Filed: September 25, 1995]

CIV. NO. 94-0566-S-EJL

ALAN B. VAN SICKLE,	)
	)
Plaintiff,	)
v.	)
	)
FORD MOTOR COMPANY a Delaware Corporation; BRUCE C. JONES; JOHN J. ROY; KEY BANK OF IDAHO, an Idaho Corporation; and JOHN and/or JANE DOES 1 - 10,	)
	)
Defendants.	)
	)

PLAINTIFF'S MOTION FOR EXTENSION OF TIME IN WHICH TO FILE HIS OBJECTIONS TO MAGISTRATE BOYLE'S REPORT, DUE TO INTERPOSED PRESIDENT THREAT RUSE

Plaintiff's Motion For Extension Of Time In Which To File Objections To Magistrate Report, Due To Interposed President Threat Ruse - 9/25/95

COMES NOW the Plaintiff, and moves for an extension of time in which to file and serve his formal objections and appeal to Magistrate Boyle's Report (Findings, Ruling) in regard to the Order of Reference on all pretrial matters; and for a stay of proceedings for a period of time giving the Plaintiff 30 days after his release from incarceration with respect to the criminal case of United States of America vs. Alan B. Van Sickle, and with grounds therefor states as follows:

1. That in the midst of litigating the above-named case (Alan B. Van Sickle vs. Ford Motor Company) while waiting for Magistrate Boyle's rulings and findings, the Plaintiff was arrested and charged with a crime which he did not commit. Now, therefore, the Plaintiff is unable to effectively research and access his civil case while incarcerated under adverse circumstances beyond his control. Magistrate Boyle is the presiding judge over both the Plaintiff's civil action and criminal case, and therefore magistrate Boyle knows the position in which he has ordered the Plaintiff into at this time to his detriment.

2. The Plaintiff now submits to this court his affidavit and incident report attached hereto as

Plaintiff's Motion For Extension Of Time In Which To File Objections To Magistrate Report, Due To Interposed President Threat Ruse - 9/25/95

Exhibit No. 1 which offers proof of the Plaintiff's position placing an undue burden upon him at this crucial time to his civil lawsuit.

Dated: September 17, 1995

By,
/s/_____
Alan B. Van Sickle

APPENDIX H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

[Filed: August 1, 1995]

CRIM. NO. 95-106-S-BLW

UNITED STATES,	)
	)
Plaintiff,	)
v.	)
	)
ALAN B. VAN SICKLE,	)
	)
Defendants.	)
	)

CRIMINAL COMPLAINT
WITH AFFIDAVIT OF SECRET SERVICE
AGENT DENNIS MORGAN

Before: U.S. Magistrate Larry M. Boyle and
U.S. Judge B. Lynn Winmill

Criminal Complaint With Affidavit Of Secret Service Agent Dennis Morgan - 8/1/95

Complaint Affidavit - Page 1

DENNIS MORGAN, being first duly sworn, upon oath states:

1. I am a Special Agent of the Department of Treasury, United States Secret Service, and have been so employed for the last 24 years. During my career I have investigated hundreds if not thousands of cases involving persons who are alleged to have threatened the President. I have probable cause to believe that Alan B. Van Sickle, also known as Bruce Van Sickle, has committed the crime of Threatening the President of the United States, in violation of Title 18 United States Code, Section 871(a). Based on my investigation, I believe that Van Sickle is currently in possession of one or more firearms and other items pertinent to my investigation of this matter. This belief is based on the following:

On 07/10/95, an employee of Intermountain Sports, a sporting goods store located in Boise, Idaho, reported that approximately four weeks earlier, the subject (later identified as Alan B. Van Sickle) entered the store and said that he wanted to buy a rifle to shoot the president.

Criminal Complaint With Affidavit Of Secret Service Agent Dennis Morgan - 8/1/95

Investigation has determined that the subject did purchase a Ruger, Mini 30, semi-automatic rifle from a second sporting goods store on 06/09/95.

The subject's parents and witnesses have been interviewed. However, efforts to interview the subject in the Boise area have been unsuccessful to date. He has been identified as living in... (end of page 1)

Complaint Affidavit - Page 9

Also, I was advised that on 05/23/95, Judge Edward Lodge had issued an order restraining any further filings by any party to the case.

I was also advised by the clerk's office that Van Sickle came into the clerk's office to file a motion, and when informed of the judge's order became irate and went into a rage. They advised that he never threatened any employee with violence, but became visibly angry, physically shaking and raising his voice. I was advised that at one point they became concerned enough about him they called the Marshals.

Criminal Complaint With Affidavit Of Secret Service Agent Dennis Morgan - 8/1/95

On 07/19/95, I interviewed Judge Dennis Goff, Third Judicial District, Caldwell, ID. He stated that in 1994 he presided over a civil action that Van Sickle had filed against Tom Scott Motors in Nampa and Ford Motor Company wherein he alleged the 1993 Ford motor home he purchased was defective. Judge Goff stated that Van Sickle acted as his own attorney. He said Van Sickle seemed to adopt the tactic of filing endless motions in an effort to stretch the court proceeding out, possible in an effort to cause the defendants to give up in disgust and settle. He stated that he eventually dismissed the case as Van Sickle stopped showing up for hearings. He stated that at one point in the proceedings, Van Sickle claimed to have reported to the Boise Police Department that one day while he was in the Boise Town Mall, and had his motor home in the parking lot, that unnamed representatives from Ford Motor Company broke onto his vehicle and switched bad parts for good ones in an... (end of page 9)

Complaint Affidavit - Page 13

Based on the foregoing, your affiant has probable cause to believe that Bruce Van Sickle is guilty of the crime of threatening to shoot the President of the United States, in violation of Title 18 United States Code, Section 871(a)...

Criminal Complaint With Affidavit Of Secret Service Agent Dennis Morgan - 8/1/95

Dated this 1st day of August, 1995

/s/_____
Dennis L Morgan
Special Agent
Department Treasury
U.S. Secret Service

Subscribed and sworn to before me this 1st day of August, 1995.

/s/_____
Larry Boyle
U.S. Magistrate Judge